

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT WARSHAWER and KIM
WARSHAWER, a married couple; and
GLENN BUTLER, Shareholders' Agent
for the former shareholders of Black Rock
Cable, Inc.,

Plaintiffs,

v.

RICK TARNUTZER, an individual; and,
NANCY TARNUTZER, an individual,

Defendants.

RICK TARNUTZER, an individual, and
NANCY TARNUTZER, an individual

Third Party Plaintiff,

v.

OH WDH HOLDCO, LLC, a limited lia-
bility company, WDH BLACK ROCK, a
limited liability company,

Third Party Defendants.

CAUSE No.: 14-1042

SUPPLEMENTAL DECLARATION OF
RICK TARNUTZER IN OPPOSITION TO
BLACK ROCK'S MOTION FOR
SUMMARY JUDGMENT

1. My name is Rick Tarnutzer. I make the statements below on my own knowledge
and I am competent to testify to them. This declaration supplements my prior dec-
larations in this case.

- 1 2. Robert Warshawer did not disclose to me multiple material facts when he solicited
2 my June 6, 2007 investment of \$100,000 in Black Rock Cable. I would have not
3 invested these funds if he had disclosed these facts to me. Among the material facts
4 that Warshawer failed to disclose to me are those identified in paragraphs 3 to 6 be-
5 low.
- 6 3. Warshawer did not tell me that he might not have complete authority to bind Black
7 Rock to the investment sold to me. He did not tell me that internal Black Rock doc-
8 uments may require a formal board authorization for share issuance to me. He also
9 did not provide me with a copy of Black Rock's bylaws or other such records.
- 10 4. Warshawer did not tell me that Black Rock (through him) was borrowing a total of
11 \$700,000 from his relatives, at the same time that he solicited my investment. The
12 fact that Black Rock was incurring a huge amount of additional private debt was
13 not disclosed and would obviously have been a significant concern to any investor.
- 14 5. Warshawer did not disclose that he would be using part of these borrowed funds to
15 purchase Black Rock stock via stock warrants for himself.
- 16 6. Warshawer did not disclose that he was not the 100% owner of Black Rock.

17 I declare under penalty of perjury under the laws of the State of Washington that
18 the foregoing is true and correct.

19 ***Executed*** in Irvine, California this 1st day of June, 2015.

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21 By: 
22 Rick Tarnutzer
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